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10/026,836	12/27/2001	James C. Bedingfield SR.	BS01-271	9846

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/026,836

Applicant(s)

BEDINGFIELD, JAMES C.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 26-30, 44, 48, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaas (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).**
3. As per independent Claims 26, 44, 48, and 51, Vaas discloses a method for providing location-based yellow pages information, the method comprising: storing a plurality of advertiser entries in a yellow pages database, each advertiser entry of at least a first subset of the plurality of advertiser entries including an advertiser identifier field to store an advertiser identifier, an advertiser category identifier field to store one or more category identifiers, and an advertiser measured location information field to store advertiser measured location information; storing advertiser measured location information in at least each advertiser entry of a second subset of the plurality of advertiser entries, the second subset of the plurality of advertiser entries being a subset of the first subset of the plurality of advertiser entries; receiving user measured location information; receiving a user advertiser category identifier; selecting one or more advertiser entries of the plurality of advertiser entries based at least in part on the user advertiser category identifier; and presenting the selected one or more

advertiser entries based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000). POS 102

4. As per Claim 27, Vaas discloses wherein receiving user measured location information includes receiving user measured location information sent by a communication device selected from the group consisting of a computer, a fixed-location telephone, a wireless telephone, a wireless communications device, a wireless communications network, and an advances intelligent network service control point (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).
5. As per Claim 28, Vaas discloses wherein receiving a user advertiser category identifier includes: sending a user advertiser confirmation query; and receiving a user advertiser confirmation response (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).
6. As per Claim 29, Vaas discloses wherein sending the user advertiser confirmation query includes sending one or more advertiser subcategories (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).
7. As per Claim 30, Vaas discloses wherein receiving user measured location information includes sending a cookie based at least in part on the user measured location information to

a user computer (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-5, 7-18, 21-25, 31, 34, 35, and 40-43 are rejected under 35 U.S.C. 103(a) as being obvious over Vaas.**

10. As per Claims 1, 2, and 15, Vaas discloses a system for providing location-based yellow pages information, the system comprising: a first server including a processor, a network port coupled to the processor, and a memory coupled to the processor, the memory storing a plurality of instructions configured to be executed by the processor, the plurality of instructions including location-based yellow pages database access instructions; a yellow pages database coupled to the first server, the yellow pages database including a plurality of advertiser entries, each advertiser entry of at least a first subset of the plurality of advertiser entries including advertiser measured location information (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

11. Vaas fails to expressly disclose wherein each advertiser entry of at least a second subset of the plurality of advertiser entries lacking advertiser measured location information.
12. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have supplied a listing of local advertisers without location information, as this would simply be a matter of holding back data from the end user, for the advantage of charging different fee structures to either the user or the advertiser, depend on the amount of information provided.
13. As per Claim 3, Vaas discloses wherein each advertiser entry of at least the subset of the plurality of advertiser entries includes additional advertiser data (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).
14. As per Claims 4 and 16, Vaas discloses wherein: the server is configured to receive user measured location information; and each advertiser entry of at least a subset of the plurality of advertiser entries includes an advertiser category identifier field to store one or more advertiser category identifiers (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).
15. As per Claims 5 and 18, Vaas discloses wherein the advertiser measured location information and the user measured location information include longitude and latitude information (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

16. As per Claim 7, Vaas discloses wherein the server is configured to receive a user advertiser category identifier (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).
17. As per Claim 8, Vaas discloses wherein the server is configured to identify one or more advertiser entries based at least in part on the user advertiser category identifier (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).
18. As per Claim 9, Vaas fails to expressly disclose wherein the server is configured to organize a listing of the identified one or more advertiser entries based at least in part on the user measured location information, and the advertise measured location information of the identified one or more advertiser entries.
19. However, Vaas does disclose providing a list of driving instructions (location) and phone numbers to local businesses (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to sort these business by proximity from the user, as such sorting techniques were well known at the time the invention was made.
20. As per Claim 10, Vaas discloses a voice extensible markup language server coupled to the server (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).
21. As per Claim 11, Vaas discloses wherein the server includes voice extensible markup language server instructions (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road

navigation technologies converge to get you where you need to be.” PC Week, 68, March 20, 2000).

22. As per Claim 12, Vaas discloses wherein the server is configured to communicate with a user computer, the user computer including web graphical user interface instructions and user measured location information (Vaas, Lisa, “Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be.” PC Week, 68, March 20, 2000).

23. As per Claim 13, Vaas discloses wherein the server is configured to communicate with a wireless communications device, the wireless communications device including microbrowser instructions (Vaas, Lisa, “Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be.” PC Week, 68, March 20, 2000).

24. As per Claims 14, 21, and 23, Vaas fails to expressly disclose an advanced intelligent network (“AIN”) service control point (“SCP”) coupled to the server, the AIN SCP coupled to a measured location information database, the AIN SCP configured to receive a phone number location query including a phone number and to send a location response including measured location information associated with the phone number.

25. However, Vaas does disclose providing a user with a list of local business locations based on a location inputted by the user (Vaas, Lisa, “Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be.” PC Week, 68, March 20, 2000), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the user with business measured location information based



on a telephone number search, as such correlation databases were well known at the time the invention was made, and would simply be a matter of correlating a phone number with business location information instead of a street address.

26. As per Claim 17, Vaas discloses wherein the server is configured to receive user measured location information from a user computer (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

27. As per Claim 22, Vaas discloses wherein the server sends the location query to a wireless network (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

28. As per Claim 24, Vaas discloses wherein: each advertiser entry of the first subset and second subset of the plurality of advertiser entries includes an advertiser category identifier to store one or more advertiser category identifiers; and the server is configured to receive user measured location information and a user advertiser category identifier (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

29. As per Claim 25, Vaas discloses wherein: the server identifies one or more advertiser entries of the first subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier; the server presents the identified one or more advertiser entries of the first subset of the plurality of advertiser entries based at least in part on the user measured location information, and the advertiser measured location information of the identified one or more advertiser entries of the first subset of the plurality of advertiser

entries; the server identifies one or more advertiser entries of the second subset of the plurality of advertiser entries based at least in part on the user advertiser category; and the server presents the identified one or more advertiser entries of the second subset of the plurality of the advertiser entries (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

30. As per Claim 31, Vaas discloses wherein presenting the selected one or more advertiser entries based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries includes: determining distance data between the user measured location information and the advertiser measured location information of the selected one or more advertise entries (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

31. Vaas fails to expressly disclose organizing a listing of the selected one or more advertising entries based at least in part on the determined distance data.

32. However, as explained above for Claim 9, Vaas does disclose providing a list of driving instructions (location) and phone numbers to local businesses (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to sort these business by proximity from the user, as such sorting techniques were well known at the time the invention was made.

33. As per Claim 34, Vaas discloses wherein selecting one or more advertiser entries of the plurality of advertiser entries based at least in part on the user advertiser category identifier includes: selecting one or more advertiser entries of the second subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier; selecting one or more advertising entries of a third subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier. However, Vaas does disclose providing a list of driving instructions (location) and phone numbers to local businesses (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to sort these business by proximity from the user, as such sorting techniques were well known at the time the invention was made.

34. Vaas fails to expressly disclose wherein the selected one or more advertising entries of the third subset of the plurality of advertiser entries lacking advertiser measured location information.

35. However, as explained above for Claims 1, 2, and 15, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have supplied a listing of local advertisers without location information, as this would simply be a matter of holding back data from the end user, for the advantage of charging different fee structures to either the user or the advertiser, depend on the amount of information provided.

36. As per Claim 35, Vaas fails to expressly disclose wherein presenting the selected one or more advertiser entries based at least in part on the user measured location information and the

advertiser measured location information of the selected one or more advertiser entries includes: organizing a listing of the selected one or more advertising entries of the second subset of the plurality of advertiser entries based at least in part on the user measured location information, and the advertiser measured location information of the selected one or more advertising entries of the second subset of the plurality of advertiser entries; and organizing a listing of the selected one or more advertising entries of the third subset of the plurality of advertiser entries.

37. However as explained above in Claims 9 and 31, Vaas does disclose providing a list of driving instructions (location) and phone numbers to local businesses (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to sort these business by proximity from the user, as such sorting techniques were well known at the time the invention was made.

38. As per independent Claims 40 and 42, Vaas discloses a method of providing a location-based yellow pages service, the method comprising: operating a yellow pages service, the yellow pages service including a yellow pages database, the yellow pages database including a set of advertiser entries and a second set of advertiser entries, the set of advertiser including advertiser measured location information,

39. Vaas fails to expressly disclose a second set of advertiser entries lacking advertiser measured location information; and charging the advertisers corresponding to the first set of advertiser

entries a fee to include advertiser measured location information in the yellow pages database.

40. However, as explained above for Claims 1, 2, and 15, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have supplied a listing of local advertisers without location information, as this would simply be a matter of holding back data from the end user, for the advantage of charging different fee structures to either the user or the advertiser - depend on the amount of information provided.

41. As per Claims 41 and 43, Vaas discloses receiving a request from a user to present advertiser information to corresponding to an advertiser category; and presenting advertiser information from the first set of advertiser entries including advertiser measured location information prior to presenting advertiser information from the second set of advertiser entries lacking advertiser measured location information (Vaas, Lisa, "Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000).

**42. Claims 6, 19, 20, 38, 39, 45-47, 49, 50, 52, and 53 are rejected under 35 U.S.C. 103 as being unpatentable over Vaas.**

43. As per Claims 6, 19, 20, 38, 39, 45-47, 49, 50, 52, and 53, Vaas does not expressly show wherein the advertiser measured location information and the user measured location information are based at least in part on two-dimensional location information, three dimensional location information, or longitude and latitude information.

44. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The system for providing location-based

yellow pages information would be performed regardless of the measured location information used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have based the measured location information at least in part on two-dimensional location information, three dimensional location information, or longitude and latitude information, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

46. **Claims 32, 33, 36, and 37 are rejected under 35 U.S.C. 103 as being unpatentable over Vaas.**

47. As per Claims 32, 33, 36, and 37, Vaas does not expressly show wherein organizing a listing includes organizing from a smallest distance to a largest distance, smallest time period to a largest time period, a telephone exchange area and an area code area, or a zip code area and a local access and transport area.

48. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The system for providing location-based yellow pages information would be performed regardless of how the business listing information was organized. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385,

217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have organized the business information from a smallest distance to a largest distance, smallest time period to a largest time period, a telephone exchange area and an area code area, or a zip code area and a local access and transport area, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

#### ***Conclusion***

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

51. The following U.S. patent is cited to show the best domestic prior art (Patent / PGPub) found by the examiner:

**U.S. Pat. No. 2002/0068585 A1 to Chan et al.**

Chan discloses a mobile system, which can locate local business based on

GPS information automatically transmitted from the user.

52. The following foreign patent is cited to show the best foreign prior art found by the examiner:


**European Pat. No. EP 1249992 A2 to Hodam et al.**

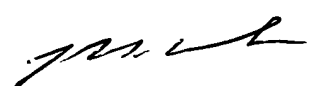
Hodam discloses a operating method for an automatic business directory inquiry system, which outputs search results based on distance via traffic or transport system from user to service provider.

53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

54. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

55. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
jo  
April 14, 2003

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**